

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on minority issues;
and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and
related intolerance**

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Excellency,

We have the honour to address you in our capacities as Working Group of experts on people of African descent, the Special Rapporteur on minority issues; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolutions 27/25, 25/5 and 25/32.

In this connection, we would like to bring to your attention information we have received concerning the failure of your Excellency's Government to publish the 'Detailed Census Analysis' for the 2012 census, which would provide important data disaggregated by ethnicity and other characteristics, about participation and outcomes for minorities in Guyana different areas of economic and social life.

This letter is also a follow up to the report of the former, Independent Expert on Minority Issues, Gay McDougall, on her 2008 mission to Guyana in which she made some astute observations and recommendations for your Excellency's Government regarding the promotion and protection of minority rights in Guyana (A/HRC/10/11/Add.2).

According to the information received:

Guyana's most recent census, the Guyana Population and Housing Census 2012, was undertaken in August 2012. A Preliminary Report on that census was published in June 2014. However, that Preliminary Report presented data based only on the gender and regional distribution of the population, stating that "[o]ther key profiles such as age distribution, education, fertility and mortality patterns, labour force participations, migration, disability, housing, etc. would follow in the Detailed Census Analysis". To date, and more than three years after the Census was undertaken the Detailed Census Analysis has not been published.

This lack of data is particularly concerning given the heightened level of tension that continues to exist in Guyana around race and ethnicity issues. Indeed, these tensions have allegedly led to a so called 'ethnicisation of politics', with both

Afro-Guyanese and Indo-Guyanese making claims of ethnic discrimination and disadvantage.

Furthermore, in the absence of a functioning National Human Rights Institution, there is an alleged lack of investigation of allegations of cases and patterns of discrimination affecting ethnic minorities in Guyana, and lack of responsive mechanisms to respond to such cases.

The absence of clear, recent and credible data on the relative position of the Indo-Guyanese and Afro-Guyanese communities, and in particular data on the participation of different ethnic groups in education, employment and healthcare means that allegations of discrimination and disadvantage cannot be properly substantiated or disproved. Lack of data also makes it difficult to draw conclusions about the existence and prevalence of ethnic discrimination in political or other spheres of life and hinders the advancement of any discussion on minority rights, including regarding policy and/or other institutional measures which could be required for their promotion and protection, in a neutral and depoliticised manner.

The issue of a lack of disaggregated data has been noted by various international human rights mechanisms. In a recent report to the United Nations General Assembly, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/70/335) highlighted that the lack of disaggregated equality and non-discrimination data has resulted in “a serious information gap that limits effective policymaking at the national, regional and international levels” (para 1) and called upon States to collect ethnically disaggregated data “with a view to highlighting the existence and extend of discrimination in compliance with their international obligations “ (para 84).

The Inter-American Commission on Human Rights has addressed the issue of the lack of disaggregated data in its 2011 report on “The situation of people of African descent in the Americas” (OEA/Ser.L/V/II.Doc 62), affirming that “the issue of figures is essential since without reliable data, without indicators and periodic measurements, the kinds of political decisions calculated to deal with the discrimination problem cannot be taken”. Furthermore, the Inter-American Commission recognizes that “the figures have an unmistakable political element, since for those affected it means that their invisibility is being reversed and they are being recognized along with everybody else” (para 38).

Following her visit to Guyana in 2009, the former Independent Expert on minority issues also requested your Excellency’s Government to improve data collection in order to improve policy-making, as well as to monitor progress in tackling equality, noting that (A/HRC/10/11/Add.2, Para, 96):

A lack of disaggregated statistical data in all sectors hampers detailed and rigorous analysis of the relative situations of different ethnic groups in Guyana. Disaggregated data should be collected on a voluntary and confidential basis,

and analysed to reveal the extent of inequality and to enable informed policy decisions.

We are also aware of the 2015 review of your Excellency's Government by the Committee on Economic, Social and Cultural Rights, whose concluding observations issued further highlighted serious concerns about the continued prevalence of discrimination on a wide range of characteristics, including ethnicity, in Guyana, and the impact of this discrimination for ethnic minorities on the enjoyment of economic, social and cultural rights (E/C.12/GUY/CO/2-4, para 6-7). These recent observations echo earlier conclusions published by other treaty bodies including the 2013 observations of the Committee on the Rights of the Child (CRC/C/GUY/CO/2-4, Para. 17) as well as those of the Committee on the Elimination of Racial Discrimination, (CERD/C/GUY/CO/14, Para. 8).

We should further like to appeal to your Government to guarantee the right to equality and non-discrimination of the persons mentioned above in accordance with your Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, such as the one established in Article 5 (d) point vii, and other relevant international human rights instruments, including Resolution 47/135 of 18 December 1992 adopted by the General Assembly entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities".

We would further like to remind your Government obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, including the ones established by article 2, paragraph 1 (c) and article 5 (d) point iii.

It is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide further information about any intended plans to publish the Detailed Census Analysis, including whether such a report will include an analysis of the data disaggregated on the basis of ethnicity and other characteristics. If no such plans exist, please explain why not.
3. Please indicate any other plans your Excellency's Government may have to collect and publish accurate, credible and up to date disaggregated data.
4. Please indicate what if any mechanisms are available for minorities to complain about discrimination or violation of their rights? Please provide concrete details of any complaints made and outcomes of such cases.

We would appreciate receiving a response within 60 days.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mireille Fanon Mendes-France
Chair-Rapporteur of the Working Group of experts on people of African descent

Rita Izsák-Ndiaye
Special Rapporteur on minority issues

Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia
and related intolerance